



James P. McGovern

Second Congressional District of Massachusetts

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CONTACT:
Natalie M. Blais 202-480-3562

U.S. REP. JIM MCGOVERN INTRODUCES BILL TO GIVE LOCAL COMMUNITIES A VOICE IN THE SITING OF LIQUEFIED PETROLEUM GAS FACILITIES

(WORCESTER, Mass.) – Today, U.S. Representative Jim McGovern introduced H.R. 2204, the Safe Communities Act, a bill that would give states and local communities the ability to regulate liquefied petroleum gas (LPG) rail transload facilities that are operated by a rail carrier.

“Communities ought to have a say in whether or not a hazardous LPG facility is sited in their backyard,” said Rep. McGovern. “I am deeply troubled that no other federal, state, or local agency, besides the Surface Transportation Board (STB), has jurisdiction over a project that could potentially threaten the health and safety of hundreds of people, including hundreds of children.”

The filing of the bill comes in response to plans by the Grafton-Upton Railroad to build a 320,000 LPG storage and transloading facility in the Town of Grafton and the subsequent STB decision to pre-empt state and local zoning and environmental protection laws. If allowed to stand, the STB decision would pave the way for the construction of an LPG facility in a residential zone within Grafton’s water supply protection district.

“This issue is not new to Congress,” said Rep. McGovern. “The Safe Communities Act of 2015 is similar to a provision included in a bipartisan 2008 passenger rail bill that addressed health and safety concerns at railroad-owned and operated solid waste transfer facilities.”

The introduction of this bill follows Rep. McGovern’s filing of an amicus curiae brief in support of Grafton that he committed to at a January community meeting held in the town and moderated by State Senator Michael Moore.

On April 8, 2015, the United States District Court for the First Circuit (First Circuit) accepted the amicus curiae (or “friend of the court”) brief submitted by Rep. McGovern in March 2015 refuting the STB’s interpretation of federal law and congressional intent. The accepted brief is in support of Grafton and its Board of Selectmen’s appeal of the STB’s January decision in favor of the Grafton and Upton Railroad.

Grafton appealed the STB decision to the First Circuit in October. Grafton hopes to halt construction of the largest propane facility in the Commonwealth because of its close proximity to homes, a K-2 elementary school, a branch of the public library and a little league field.

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(Original Signature of Member)

114TH CONGRESS
1ST SESSION

H. R. _____

To clarify the authority of States and political subdivisions thereof to regulate liquefied petroleum gas rail transload facilities that are owned or operated by or on behalf of a rail carrier.

IN THE HOUSE OF REPRESENTATIVES

Mr. MCGOVERN introduced the following bill; which was referred to the Committee on _____

A BILL

To clarify the authority of States and political subdivisions thereof to regulate liquefied petroleum gas rail transload facilities that are owned or operated by or on behalf of a rail carrier.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Safe Communities Act
5 of 2015”.

1 **SEC. 2. JURISDICTION OF THE SURFACE TRANSPORTATION**
2 **BOARD.**

3 Section 10501(c) of title 49, United States Code, is
4 amended—

5 (1) in paragraph (1)—

6 (A) by redesignating subparagraphs (A)
7 and (B) as subparagraphs (B) and (C), respec-
8 tively; and

9 (B) by inserting before subparagraph (B),
10 as so redesignated, the following new subpara-
11 graph:

12 “(A) the term ‘liquefied petroleum gas rail
13 transload facility’ means the portion of a facility
14 owned or operated by or on behalf of a rail carrier
15 where liquefied petroleum gas, as a commodity to be
16 transported for a charge, is collected, stored, sepa-
17 rated, processed, treated, managed, disposed of, or
18 transferred, but such term does not include activities
19 taking place at such portion that are comprised sole-
20 ly of the railroad transportation of liquefied petro-
21 leum gas after the liquefied petroleum gas is loaded
22 for shipment on or in a rail car, including railroad
23 transportation for the purpose of interchanging rail-
24 road cars containing liquefied petroleum gas;” and

25 (2) in paragraph (2)—

1 (A) by striking “or” at the end of subpara-
2 graph (A);

3 (B) by striking the period at the end of
4 subparagraph (B) and inserting “; or”; and

5 (C) by adding at the end the following new
6 subparagraph:

7 “(C) a liquefied petroleum gas rail transload fa-
8 cility.”.

9 **SEC. 3. EFFECTIVE DATE.**

10 The amendments made by section 2 shall be effective
11 as of July 1, 2013.